

2. Remarks/Discussion of Issues

Claim Summary

By the present Amendment, claims 1, 2, 9-11 and 15-26 have been amended. Claims 1-26 are pending in the application. Applicant respectfully submits that all pending claims are in condition for allowance.

35 U.S.C. § 102 Rejections

Applicant relies at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990); *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Applicant's silence on certain aspects of the rejections is by no means a concession as to their propriety. Rather, because the applied art fails to disclose at least one feature of the claims, for at least the reasons discussed below, Applicant respectfully submits that the rejections are improper and should be withdrawn.

Claims 1, 4, 7-11, 13-15

The Office Action of October 27, 2009, rejects claims 1, 4, 7-11, and 13-15 under 35 U.S.C. § 102(b) as being anticipated by MARKS (U.S. Patent No. 3,653,741). *See* Office Action, p. 2. Applicant respectfully traverses the rejection for at least the reasons set forth

herein.

Claim 1

Independent claim 1 is directed to a method of manufacturing an optical integrator panel and recites:

suspending a plurality of elongate particles in a liquid;
applying a electric or magnetic field to the suspension to orientate the
particles with parallel longitudinal axes and random rotations about the
respective parallel longitudinal axes; and
solidifying the liquid to fix the orientation of the particles, thereby
forming an optical integrator panel having a homogeneous distribution of
elongate particles.

With respect to claim 1, the Office Action asserts that the “elongate particles” are disclosed by “needles,” described by col. 3, lines 46-47, of MARKS. *See* Office Action, p. 2 (*also citing* col., 3, lines 10-20). However, claim 1 has been revised to recite applying an electric or magnetic field to the suspension to orientate the elongate particles with parallel longitudinal axes and random rotations about the respective parallel longitudinal axes. *See, e.g., Specification, p. 8, lines 4-7; p. 12, lines 4-6.* Applicant respectfully submits that MARKS does not disclose at least random rotations of the “needles” about respective longitudinal axes.

Accordingly, Applicant respectfully submits that MARKS does not disclose each and every element of claim 1. Therefore, the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 4, 7-11 and 13-15

Claims 4, 7-11, and 13-15 depend, directly or indirectly, from claim 1 and are therefore allowable for at least the reasons discussed with respect to claim 1, as well as in view of their additional recitations.

Claim 16

The Office Action of October 27, 2009, rejects claim 16 under 35 U.S.C. § 102(b) as being anticipated by FUJISAWA et al. (U.S. Patent No. 6,002,464). See Office Action, p. 4. Applicant respectfully traverses the rejection for at least the reasons set forth herein.

Claim 16

Independent claim 16 is directed to an optical integrator device and recites:

an optical integrator panel configured to mix reflected or transmitted light from a liquid crystal display, increasing symmetric distribution of contrast and removing contrast inversion, the optical integrator panel comprising a plurality of distributed elongate particles orientated with parallel longitudinal axes.

With respect to claim 16, the Office Action asserts that the “optical integrator panel” is disclosed by clear film 1, first light-diffusing layer 2 and second light-diffusing layer 3 in FIG. 5 of FUJISAWA et al. See Office Action, p. 4. However, claim 16 has been revised to recite that the optical integrator panel includes distributed elongate particles orientated with parallel longitudinal axes, and is configured to mix reflected or transmitted light from a liquid crystal display, increasing symmetric distribution of contrast and removing contrast inversion. See, e.g., Specification, p. 3, lines 26-29. Applicant respectfully submits that FUJISAWA et al. does not disclose at least that the clear film 1, first light-diffusing layer 2 and/or second light-diffusing layer 3 include distributed elongate particles orientated with parallel longitudinal axes, or that they are configured to mix reflected or transmitted light from a liquid crystal

display, increasing symmetric distribution of contrast and removing contrast inversion, as recited in claim 16.

Accordingly, Applicant respectfully submits that FUJISAWA et al. does not disclose each and every element of claim 16. Therefore, the rejection of claim 16 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 1, 15-20, 22-25

The Office Action of October 27, 2009, rejects claims 1, 15-20 and 22-25 under 35 U.S.C. § 102(b) as being anticipated by TSUYOSHI (U.S. Patent No. 5,995,183). *See* Office Action, p. 4. Applicant respectfully traverses the rejection for at least the reasons set forth herein.

With respect to claim 1, the Office Action asserts that the “elongate particles” are disclosed by particles 11 in FIG. 1A of TSUYOSHI. *See* Office Action, p. 5 (also citing FIG. 20). However, TSUYOSHI teaches away from the particles 11 necessarily having “parallel longitudinal axes,” as recited in claim 1: “In both FIGS. 1A and B, although the particles are arranged, they may not be oriented in one direction, completely, or a slight scatter may be present.” *See* col. 5, lines 31-34. In addition, claim 1 has been revised to recite applying an electric or magnetic field to the suspension to orientate the elongate particles with parallel longitudinal axes and random rotations about the respective parallel longitudinal axes, as discussed above. Applicant respectfully submits that TSUYOSHI also does not disclose at least random rotations of the particles about respective parallel longitudinal axes.

With respect to claim 16, the Office Action asserts that the “optical integrator panel” is disclosed by anisotropic scattering device 203 in FIG. 20 of TSUYOSHI. *See* Office Action, pp. 4-5. However, claim 16 has been revised to further recite that the optical integrator panel includes distributed elongate particles orientated with parallel longitudinal axes, and is configured to mix reflected or transmitted light from a liquid crystal display, increasing symmetric distribution of contrast and removing contrast inversion, as discussed above. Applicant respectfully submits that TSUYOSHI does not disclose at least that the anisotropic scattering device 203 includes distributed elongate particles orientated with parallel

longitudinal axes, or that it is configured to mix reflected or transmitted light from a liquid crystal display, increasing symmetric distribution of contrast and removing contrast inversion, as recited in claim 16.

Accordingly, Applicant respectfully submits that TSUYOSHI does not disclose each and every element of independent claims 1 and 16. Therefore, the rejection of claims 1 and 16 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 15, 17-20 and 22-25

Claims 15, 17-20 and 22-25 depend, directly or indirectly, from independent claims 1 and 16, respectively, and are therefore allowable for at least the reasons discussed with respect to claims 1 and 16, as well as in view of their additional recitations.

35 U.S.C. § 103 Rejections

Applicant relies at least on the following standards with regard to proper rejections under 35 U.S.C. § 103(a). A *prima facie* case of obviousness for a proper rejection under 35 U.S.C. § 103(a) has at least three requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, requires some reason that the skilled artisan would modify a reference or to combine references. *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332 (Fed. Cir. 2005). The Supreme Court has, however, cautioned against the use of “rigid and mandatory formulas” particularly with regards to finding reasons prompting a person of ordinary skill in the art to combine elements in the way the claimed new invention does. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007). Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the same time the invention was made. In other words, a hindsight analysis is not allowed. *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200 (Fed. Cir. 1991). Also, “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR*, 127 S. Ct. at 1741, 82 USPQ2d at 1396. Lastly, the prior art reference or combination of

references must teach or suggest all the limitations of the claims. *In re Wilson*, 424 F.2d 1382 (C.C.P.A. 1970).

Applicant's silence on certain aspects of the rejection is by no means a concession as to their propriety. Rather, because the applied art fails to disclose at least one feature of the claims, for at least the reasons discussed below, Applicant respectfully submits that the rejections are improper and should be withdrawn.

Claims 2, 3

The Office Action of October 27, 2009, rejects claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over MARKS in view of FUKAYA (U.S. Patent No. 6,731,359). *See* Office Action, pp. 6-7. Applicant respectfully traverses the rejection for at least the reasons set forth herein.

Applicant submits that claims 2 and 3 are allowable at least because they depend from independent claim 1, which Applicant submits has been shown to be allowable over MARKS, as well as in view of their additional recitations.

Claims 5, 6

The Office Action of October 27, 2009, rejects claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over MARKS in view of TU (U.S. Patent App. Pub. No. 2004/0081498). *See* Office Action, pp. 7-8. Applicant respectfully traverses the rejection for at least the reasons set forth herein.

Applicant submits that claims 5 and 6 are allowable at least because they depend from independent claim 1, which Applicant submits has been shown to be allowable over MARKS, as well as in view of their additional recitations.

Claims 12, 26

The Office Action of October 27, 2009, rejects claims 12 and 26 under 35 U.S.C. § 103(a) as being unpatentable over MARKS in view of OSBORN et al. (U.S. Patent No.

4,221,697). *See* Office Action, pp. 8-9. Applicant respectfully traverses the rejection for at least the reasons set forth herein.

Applicant submits that claim 12 is allowable at least because it depends from independent claim 1, which Applicant submits has been shown to be allowable over MARKS, as well as in view of its additional recitations.

With respect to independent claim 26, the Office Action asserts that MARKS discloses the features of claim 26, as discussed above, and relies on OSBORN et al. only to teach a polymerisable liquid comprising an epoxy. *See* Office Action, p. 8. However, no proper combination of MARKS and OSBORN et al. teaches or suggests a concentration of the elongate particles in the optical integrator panel being in a range of about 0.02% to about 0.03% by weight, as recited in revised claim 26. Therefore, the rejection of claim 26 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 21

The Office Action of October 27, 2009, rejects claim 21 under 35 U.S.C. § 103(a) as being unpatentable over TSUYOSHI in view of FUJISAWA et al. *See* Office Action, p. 9. Applicant respectfully traverses the rejection for at least the reasons set forth herein.

Applicant submits that claim 21 is allowable at least because it depends from independent claim 16, which Applicant submits has been shown to be allowable over TSUYOSHI, as well as in view of their additional recitations.

Appl. No. 10/596,223
Amendment and/or Response
In Reply to Office action of October 27, 2009

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-26 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Van C. Ernest (Reg. No. 44,099) at (571) 283.0720 to discuss these matters.

Respectfully submitted on behalf of:

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